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EXAMINER

JARRETT, SCOTT L

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/783,197  
Filing Date: February 14, 2001  
Appellant(s): MCSHERRY, JAMES

**MAILED**

**MAY 29 2007**

**GROUP 3600**

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Paul E. Kudirka  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed March 2, 2007 appealing from the Office action mailed June 21, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

5,884,032	Bateman et al.	3-1999
6,799,198	Huboi et al.	9-2004
2002/0123,983	Riley et al.	9-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims and are reproduced below from the Final Office Action mailed June 21, 2006 for the convenience of the Appellant and the Board of Patent Appeals:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al., U.S. Patent Publication No. 2002/0123983 in view of Bateman et al., U.S. Patent No. 5,884,032.

Regarding Claims 1, 17 and 33 Riley et al. teach a system and method for managing workplace services provided by specialists (advisors, experts, consultants, knowledge workers, staff, personnel, support staff, etc.) who are members of an organization (team, group, union, club, business, enterprise, service desk, etc.) comprising:

- contacting a plurality of users, upon the request from the organization, and obtaining user background and organization information via organization personnel who are familiar with the workplace services but are not specialist (workplace resource office, team, group, etc.; “designer”, “assessment of the user community”, “determining service requirements”, “service desk design approach”; Paragraphs 0059-0062, 0068; Figure 3);
- collecting and storing unique user identifying and background information for each user in a created database (central service desk repository) connected via a network before a user contacts a specialist (user administration, Paragraphs 0040-0044, 0150, 0241; Figure 2, Element 22; Figure 6; Elements 63-65);
- providing the user, before one of the plurality of users attempts to obtain specific assistance, contact information (URL, phone number, email, etc.), from the workplace resource office, which allows the user to immediately and directly contact a specialist wherein upon the establishment of a communication session the user receives assistance on a specific workplace issue (service request, problem, incident, service request management; Paragraphs 0097-0098, 0129, 0135-136, 0142; Figures 4-6, 9, 11-12, 18);

- wherein the specialist has expertise specific to the users unique workplace issues and is not one of the workplace resource office personnel (service desk personnel/operators and internal/external experts - Paragraphs 0197, 201-203 - are not the same as the service desk designer/system developer; Paragraphs 0059-0062; Figures 3, 18; multiple support organizations, Paragraph 0033; Figure 3);

- during a communication session the specialist receives user identifying information from the user (name, ID, phone number, etc.) wherein the specialists utilizes the user identifying information to access/retrieve the previously collected and stored user background information (Paragraphs 0094, 0096, 0105-0107, 0129, 0150; Figures 4, 9; Figure 6, Elements 63-69);

- the specialist provides specific and live assistance to the user concerning the user's specific and unique workplace issues wherein the assistance (advice, recommendation, information, support, consultation, etc.) is based on the combination of the user's background information, the specialist's expertise and any additional and/or correcting information provided by the user (Paragraphs 0094, 0096, 0105-0107, 0129, 0150; Figures 4, 9; Figure 6, Elements 63-69); and

- storing/adding information concerning each communication session, including the unique and specific assistance provided to the user by the specialist to the users/organization background information, in a database (Paragraphs 0096, 0147-0148; Figures 6, 14).

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## SERVICE DESK DESIGN APPROACH

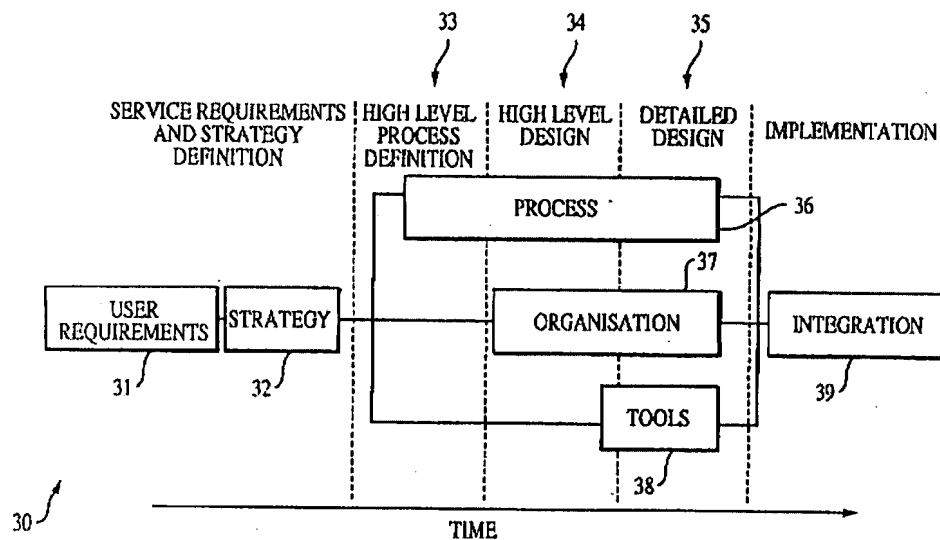


FIG. 3

## SERVICE REQUEST PROCESS

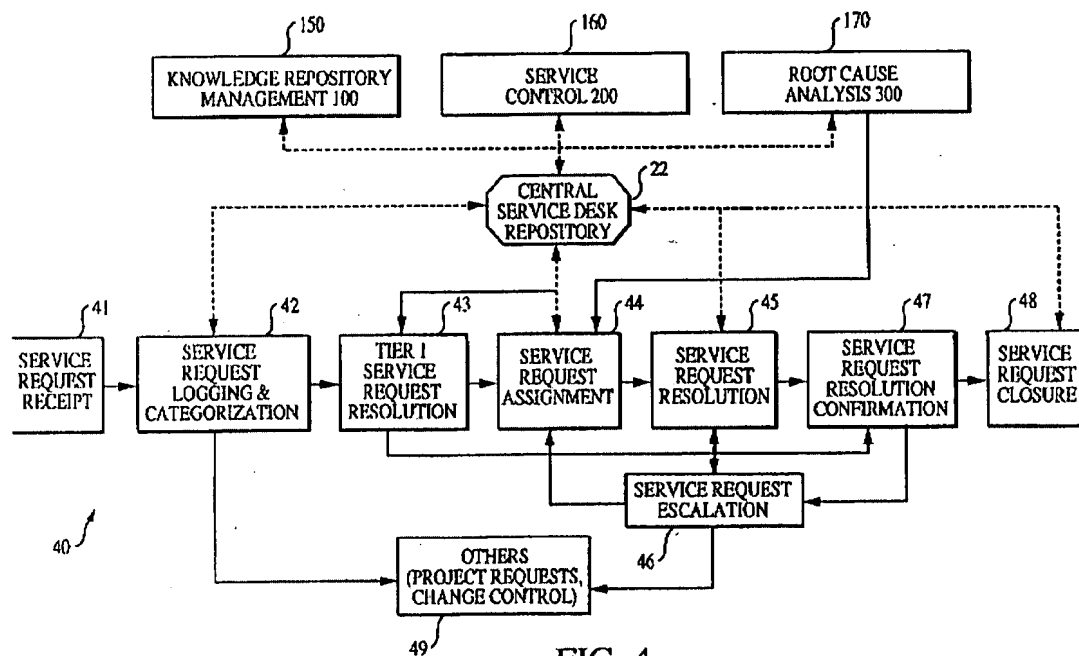
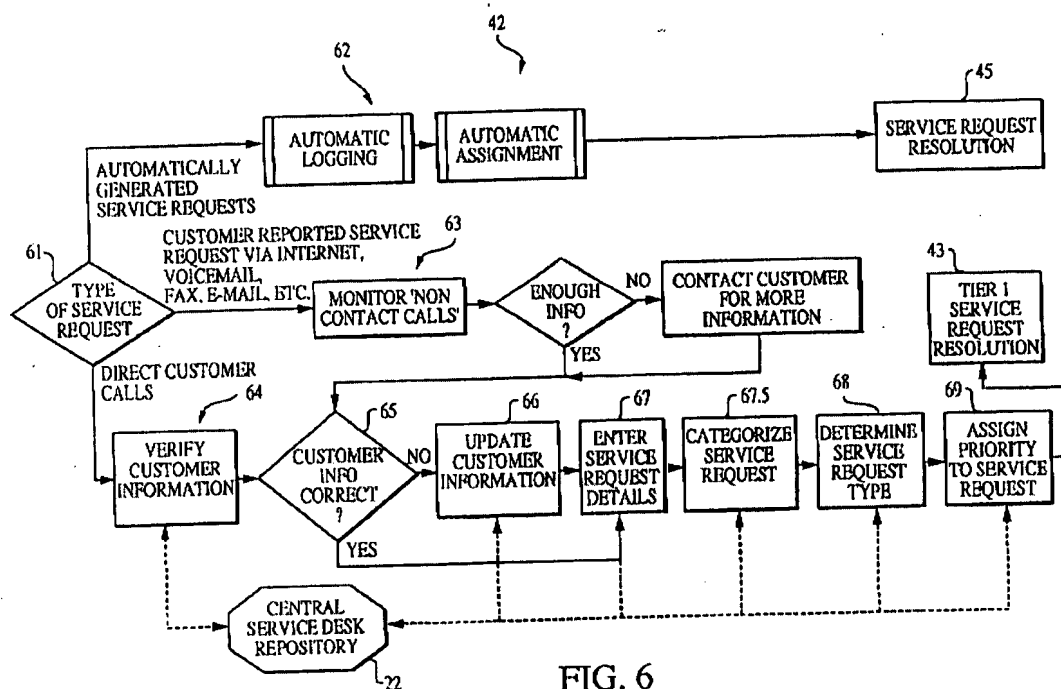


FIG. 4



Riley et al. does not expressly teach the specialist receives during *each* communication session user identifying information from the user as claimed.

Bateman et al. specialist receiving during *each* communication session the specialist receives user identifying information from the user (CLID; Column 6, Lines 15-55; Column 9, Lines 1-32) wherein the specialists utilizes the user identifying information to access and retrieve the previously collected and stored user background information and further wherein the specialist provides specific and live assistance to the user concerning the user's specific and unique workplace issues wherein the assistance (advice, recommendation, information, support, consultation, etc.) is based on the combination of the retrieved user background information, the specialist's



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expertise and any additional and/or correcting information provided by the user (“...the parties will be in full voice communication and will be viewing the same multimedia screen which prompted the customers questions. The agent can then assist or guide the caller to the solution or answer sought, or can take orders and/or provide technical support.”, Column 6; 56-60; “Upon selection of the “Live Helps” option...”, Column 6, Lines 62-63; “...provides requested “LIVE HELP” when a problem is encountered...”, Column 2, Lines 27-28; “...the invention provides a customer in a voice conversation with an ACD agent...”, Column 2, Lines 53-55; “...upon answering the call and viewing customer relevant data simultaneously (obtained by looking up the CLID in a customer database), the agent greets to caller and verbally mentions the associated product or subject matter area...”, Column 9, Lines 20-26) in an analogous art of providing user services for the purposes of enabling the specialist to be better prepared to answer the users questions (Column 6, Lines 50-53).

More generally Bateman et al. teach a system and method for managing workplace services provided by specialists (advisors, experts, consultants, knowledge workers, staff, personnel, support staff, etc.) who are members of an organization (team, group, union, club, business, enterprise, service desk, etc.) comprising:

- collecting and storing unique user identifying and background information for each user in a created database (central service desk repository) connected via a network before a user contacts a specialist (“customer database”; Figure 1, Element 42; Column 9, Lines 15-24);

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- providing the user, before one of the plurality of users attempts to obtain specific assistance, contact information (URL, phone number, email, etc.), from the workplace resource office, which allows the user to immediately and directly contact a specialist wherein upon the establishment of a communication session the receives assistance on a specific workplace issue (Column 1, Lines 35-38; Column 3, Lines 55-62; Column 10, Lines 40-44);

- during each communication session the specialist receives user identifying information from the user (name, ID, phone number, etc.) wherein the specialists utilizes the user identifying information to access and retrieve the previously collected and stored user background information (Abstract; Live Help, Column 2, Lines 22-31; CLID; Column 6, Lines 15-55; Column 8, Lines 62-68; Column 9, Lines 1-32); and

- the specialist providing specific and live assistance to the user concerning the user's specific and unique workplace issues wherein the assistance (advice, recommendation, information, support, consultation, etc.) is based on the combination of the user's background information, the specialist's expertise and any additional and/or correcting information provided by the user (Column 6, Lines 15-55).

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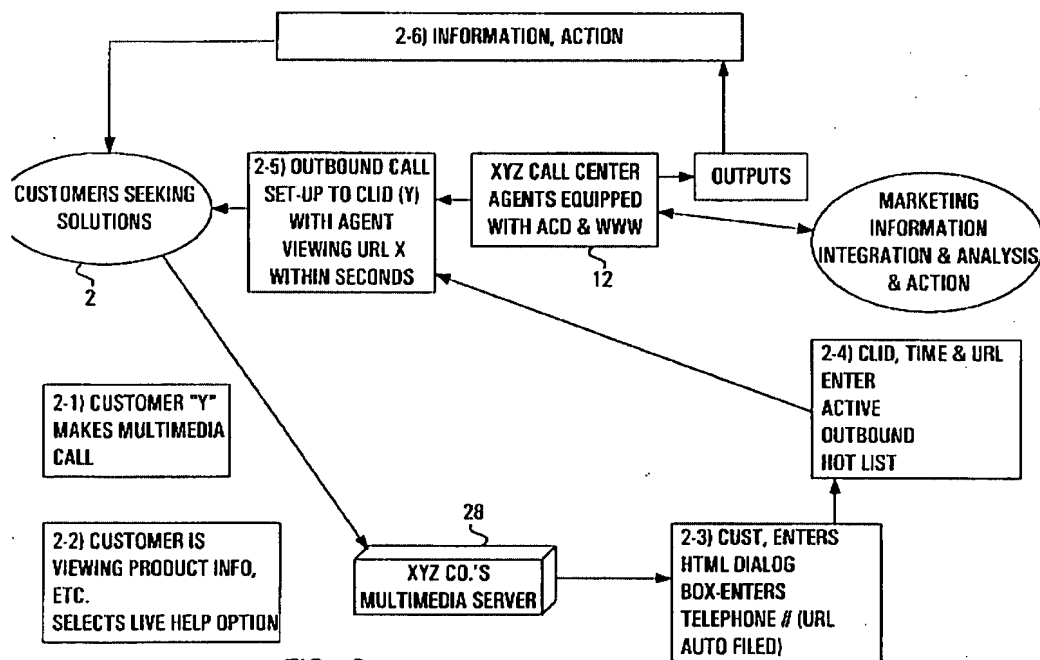
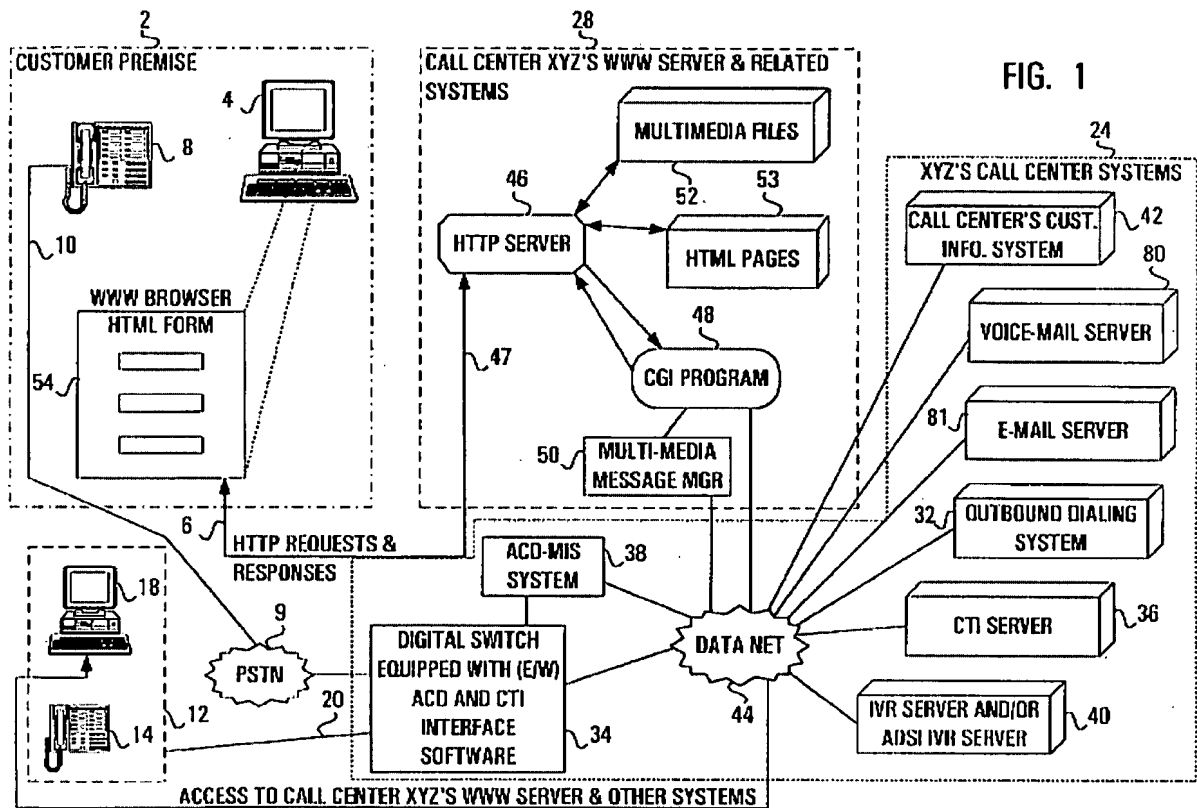


FIG. 2

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It would have been obvious to one skilled in the art at the time of the invention that they system and method for managing workplace services as taught by Riley et al. would have benefited from having the specialist receive user identifying information from the user during each communication session in view of the teachings of Bateman et al.; the resultant system/method enabling the specialist to be better prepared to answer the users questions (Bateman et al.: Column 6, Lines 50-53).

Regarding Claims 2-3, 18-19 and 34-35 Riley et al. teach a system and method for managing workplace services wherein the communication session comprises a plurality of equivalent and well known communication mechanisms/channels including but not limited to telephone calls, email messages, fax, Internet and the like (Paragraph 0098; Figure 5).

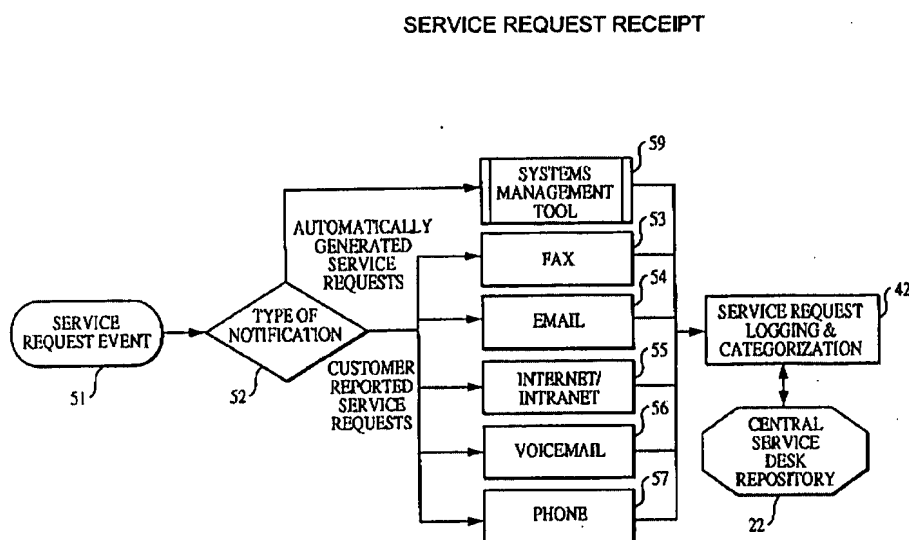


FIG. 5

Regarding Claims 6, 22 and 38 Riley et al. teach a system and method for managing workplace services wherein the network is the Internet (Paragraphs 0007, 0082, 0098; Figure 5).

Regarding Claims 7-8, 10, 23-24 and 26 Riley et al. teach a method and system for managing workplace services wherein the user identifying information is a unique personal ID code (number, first/last name, phone number, email address, etc.) wherein the personal ID code is assigned by the system (web site) and/or workplace resource office (personnel; ticket ID, login/password, etc.; Paragraphs 0005, 0029, 0105).

Regarding Claims 9 and 25 Riley et al. teach a system and method for managing workplace services further comprising utilizing a web site connected to the database (system) by the Internet to service request information from users (Paragraph 0082, 0097-0098; Figure 5, Element 55).

Riley et al. does not expressly teach collecting background information from *each* of the plurality of user via the *web site* as claimed.

Bateman et al. teach collecting background information from each of the plurality of user via the web site (HTML forms, help request form; Claim 1, Column 3, Lines 5-13; Column 11, Lines 60-62; Figure 1, Element 54) in an analogous art of managing workplace services for the purposes of providing specialist with user as well as issue

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(service request) information thereby enabling specialist to provide specific, live and unique assistance (Column 6 Lines 14-55).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for managing workplace services as taught by Riley et al. would have benefited from collecting a plurality of user background and other information via the Internet (web site, web form, etc.) in view of the teachings of Bateman et al.; the resultant system/method enabling specialist to provide specific, live and unique assistance (Bateman et al.: Column 6 Lines 14-55) based on the user background and issue information provided by the user, prior to the assistance, via a web site.

Regarding Claims 11 and 27 Riley et al. does not expressly teach receiving user-identifying information *verbally* from the user as claimed:

Bateman et al. teach that the specialist verbally obtaining user identifying information from the user which the specialists enters into the system via a web interface and receives the user background information via a web browser (Column 6, Lines 61-67; Figure 3; Figure 4, Element 12) in an analogous art of managing workplace services for the purposes of enabling the specialist to provide unique and specific assistance to the user based on background or other information previously recorded in the system (Column 6 Lines 14-55; Column 9, Lines 20-30; Column 10, Lines 1-14).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for managing workplace services as taught by Riley et al. would have benefited from verbally obtaining user identifying information from the user in view of the teachings of Bateman et al.; the resultant system/method enabling specialist to provide specific, live and unique assistance based on the user background and issue information (Bateman et al.: Column 6 Lines 14-55; Column 9, Lines 20-30; Column 10, Lines 1-14).

Regarding Claims 12 and 28 Riley et al. teach a system and method for managing workplace services further comprising the specialist assigning the communication session information to one of a plurality of predefined categories wherein the assigned category is stored in the system/database (Paragraphs 0008, 0079, 0094, 0105- 0106, 0110-0013; Figures 6-7).

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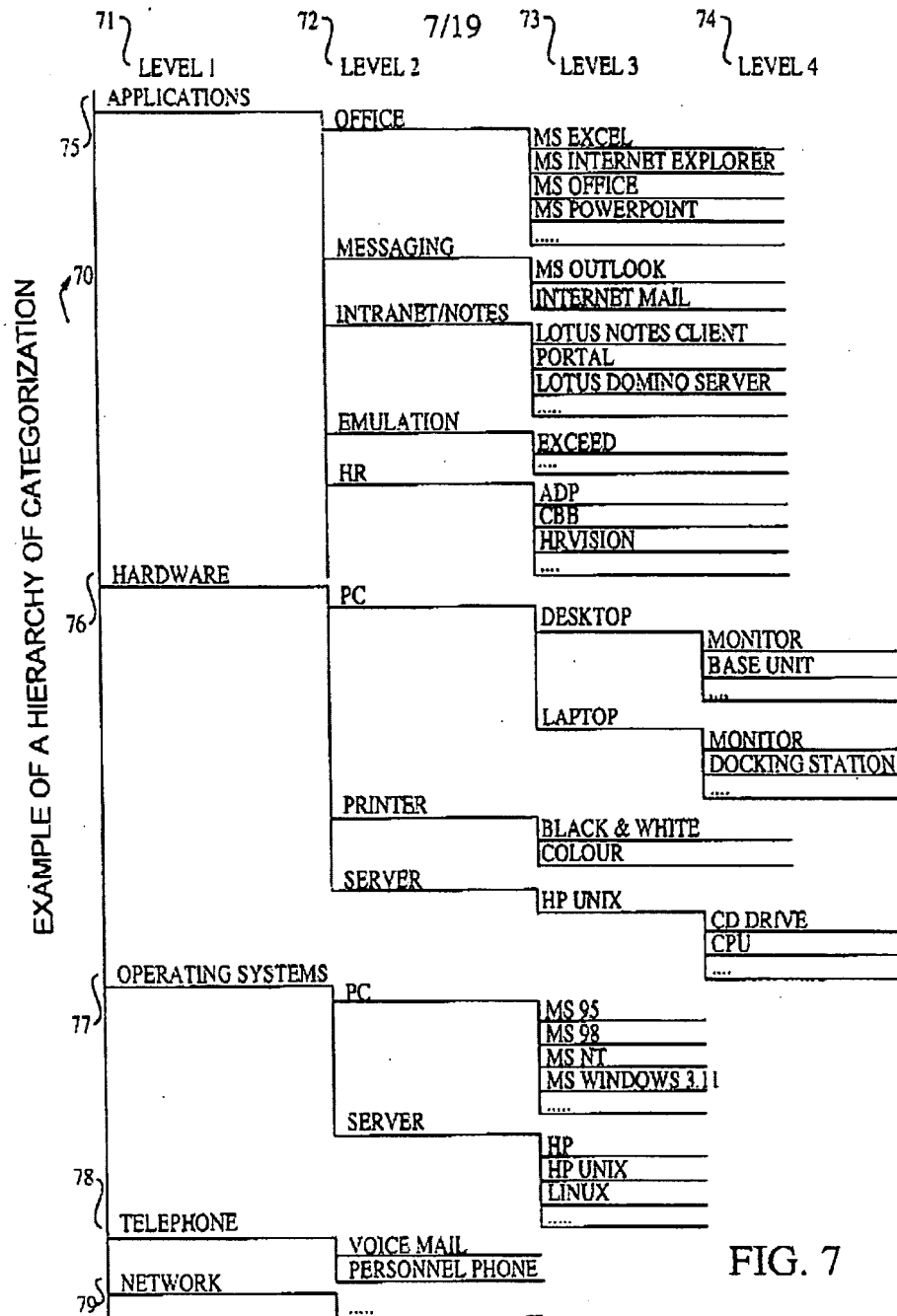


FIG. 7

Regarding Claims 13 and 29 Riley et al. teach a system and method for managing workplace services further comprising performing a query for information in



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the database; generating a report from the query and providing the report to the organization (Paragraphs 0081, 0096, 0172-0185; Figures 8, 16).

Regarding Claims 14 and 30 Riley et al. teach a system and method for managing workplace services wherein the query is performed on category information in the database/system (Paragraphs 0081, 0096, 0172-0185; Figures 8, 16).

Regarding Claims 40, 42 and 44 Riley et al. teach a system and method for managing workplace services wherein the workplace resource office is not part of the organization (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

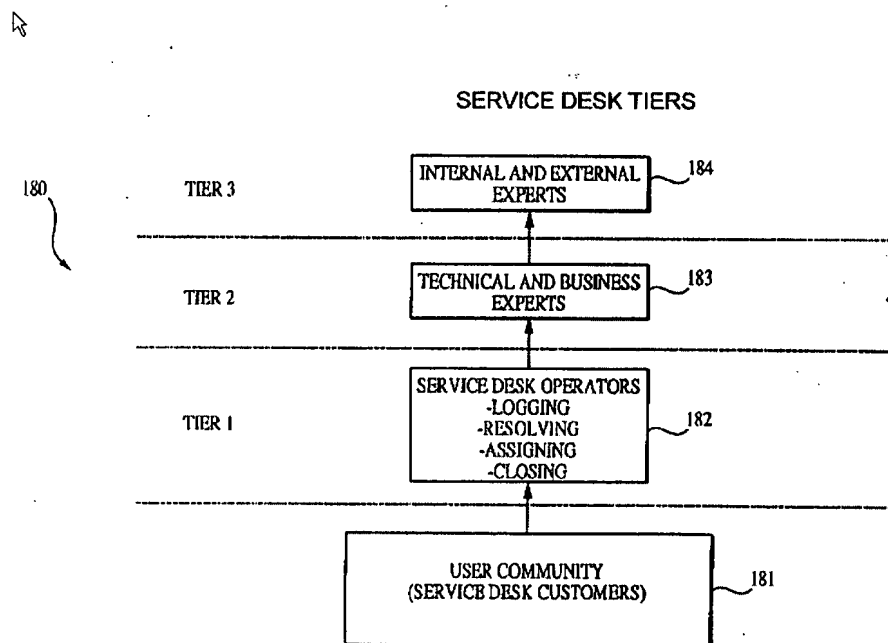


FIG. 18

Regarding Claims 41, 43 and 45 Riley et al. teach a system and method for managing workplace services wherein the specialist is not part of the organization (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

Further regarding Claims 40-45 that the workplace service office and/or the specialists are or are not part of the organization utilizing the services is immaterial since the intended use nor the structure of the system is impacted by the physical or logical "location" of the workplace resource office/specialists nor does it change the overall functionality of the system. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding Claim 48, claim 48 recites similar limitations to Claims 1, 17 and 33 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 1, 17 and 33; further wherein the method for managing workplace services is directed to managing legal advice and counseling (intended field of use) Riley et al. teach the application of the system and method for managing workplace services to a plurality of workplace services including but not limited to legal, human resource and insurance resources/services (Paragraphs 0008-0009, 0030; Figure 2).

Regarding Claim 49 Riley et al. teach a system and method for managing any of a plurality of workplace services including but not limited to legal, human resource and insurance resources/services (Paragraphs 0008-0009, 0030; Figure 2).

Regarding Claim 50 Riley et al. teach a system and method for managing workplace services wherein the legal experts (specialist) are associated (employee, friends, contractors, related, linked, etc.) with the workplace resources office (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

Further Regarding Claims 48-50, Claims 48-50 merely represent non-functional descriptive material as they merely recite various intended uses of the invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. Further the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

The claimed recitations of intended use neither result in a structural difference between the claimed invention and the prior art nor in a manipulative difference as compared to the prior art; therefore, the claimed invention is not deemed to be patentably distinct over the prior art.

Regarding Claim 51 Riley et al. teach a system and method for managing workplace services wherein the contact people (users) are employees of the organization (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

Further that the users (contact people) are or are not employees the organization merely represents non-functional descriptive material is immaterial since the intended use of the system is not impacted by the physical or logical "location" of the workplace resource office/specialists nor does it change the overall functionality of the system. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding Claims 53-56 Riley teach a system and method for managing workplace services further comprising: the specialist sends a follow-up message to the user after a communication session between the user and the specialists to inquire whether the assistance provided by the specialist answered a question posed by the user (follow up to collect more information, status update, confirm resolution, customer feedback; Paragraph 0109, 0156-0171, 0251; Figure 16).

Claims 15-16, 31-32 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al., U.S. Patent Publication No. 2002/0123983 in view of Bateman et al., U.S. Patent No. 5,884,032 as applied to claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56 above, and further in view of Huboi et al., U.S. Patent No. 6,799,198.

Regarding Claims 15-16 and 31-32 Riley et al. teach a system and method for managing workplace services wherein the workplace resources offices generates a web site that is accessible by the plurality of users via the web wherein the system publishes workplace issue information on the web site by sending the workplace issue information from the database to the web site (web access to knowledge repository and products/solutions, Paragraph 0082; publishing knowledge from knowledge base – top 10 resolutions, Paragraphs 0150-0152; Figure 15).

Neither Riley et al. nor Bateman et al. expressly teach that the website is a *templated* website as claimed.

Huboi et al. teach providing a templated web site in an analogous art of managing workplace services (providing user-specific web-based assistance; Column 11, Lines 53-68; Column 12; Column 13, Lines 31-68) for the purposes of providing customizable help/assistance to users workplace issues (Column 11, Lines 55-68).

More generally Huboi et al. teach a system and method for managing workplace services comprising:

- collecting and storing a plurality of user, organization and assistance/help information in a database (Column 3, Lines 20-35);
- providing users with specific and unique assistance to their unique workplace issues based on background information collected via the web prior to the user receiving the assistance (Column 2, Lines 21-25 and 37-68; Column 11, Lines 5-39);
- providing users, prior to any user requesting assistance, contact information for contacting/accessing the system (Column 4, Lines 34-37); and
- assigning personal ID codes (login/password, access control lists; Column 4, Lines 34-45) to users.

It would have been obvious to one skilled in the art at the time of the system and method for managing workplace services as taught by the combination of Riley et al. and Bateman et al. would have benefited from providing templated (dynamic, customizable, configurable, etc.) web sites to assist users with workplace issues in view of the teachings of Huboi et al.; the resultant system/method enabling the workplace resource office (service provider) to customize the workplace issues assistance (help) (Hubo et al.: Column 11, Lines 55-68).

Regarding Claim 52 Riley et al. teach a system and method for managing workplace services further comprising: performing a query on information in the

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database; generating a report from the query; and generating a web site based on the reports (Paragraphs 0081, 0096, 0172-0185; Figures 8, 16).

Neither Riley et al. nor Bateman et al. expressly teach that the website is a *templated* website as claimed.

Huboi et al. teach providing a templated web site in an analogous art of managing workplace services (providing user-specific web-based assistance; Column 11, Lines 53-68; Column 12; Column 13, Lines 31-68) for the purposes of providing customizable help/assistance to users workplace issues (Column 11, Lines 55-68).

It would have been obvious to one skilled in the art at the time of the system and method for managing workplace services as taught by the combination of Riley et al. and Bateman et al. would have benefited from providing templated (dynamic, customizable, configurable, etc.) web sites to assist users with workplace issues in view of the teachings of Huboi et al.; the resultant system/method enabling the workplace resource office (service provider) to customize the workplace issues assistance (help) (Huboi et al.: Column 11, Lines 55-68).

### (10) Response to Argument

10.1 The Applicant argues, see Appeal Brief, Paragraph 3, Page 7, Paragraph 2, Page 8, that the prior art of record, namely Riley et al. and Bateman et al. fail to teach or suggest the structure recited in Claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56. Specifically the Applicant argues that the prior art of record fails to teach or suggest "proactive workplace resource office personnel who proactively gather background information" or a "knowledge management database that is proactively populated before users contact the persons who will resolve their problems." (Paragraph 3, Page 7). The examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features upon which applicant relies (i.e., **proactive** workplace resource office personnel who proactively gather background information and **knowledge management database** that is **proactively** populated before users contact the persons who will resolve their problems, bypass the call center) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).



**10.2** In response to the Applicant's argument that the prior art of record fails to teach or suggest "using personnel in a workplace resources office ... to obtain background information for the plurality of users and the organization...creating a database in the computer memory ... connecting the workplace resource office to the ...the database ... in order to store the background information for the plurality of users and the organization obtained by the workplace resource office in the database before a user contacts a specialist" as recited in Claim 1, see Appeal Brief, Last Paragraph, Page 8; the examiner respectfully disagrees.

As an initial matter the examiner notes it has been established that it was old and well known in the art at the time of the invention to proactively collect background information about customers/users prior dispensing specific advice. Specifically it has been established that "The providing of professional advice (i.e. live and specific assistance to workplace issues) is old and very well known, as is the fact that it is inherent in advice provided by professionals (e.g. doctors, lawyers, technical support, accountants, etc.) is based at least in part on a plurality of information (user background information, laws, statutes, medical research, regulations, employment, etc.) collected prior to and during the providing of assistance specific to the user's issue (concern, situation, etc.). In fact, professional advice is sought by users who expressly desire specific assistance (e.g. expertise) to their particular issue therefore assistance not based on user background information would neither be specific, accurate or meaningful.

Examples of methods and/or systems for providing specific professional advice/assistance to users include:

- a doctor collecting a plurality of user information (medical history, current symptoms, and the like) prior to diagnosing and/or treating a user's specific condition (Dworkin et al., U.S. Patent No. 6,026,148: Abstract, Figures 8-9; Itzhaki, Dani, U.S. Patent Publication No. 2002/0010616: Paragraphs 0037-0038);
- the identification of a lawyer (legal services) based on a plurality of user information (Rizzo et al. U.S. Patent No. 6,470,338: Column 1, Lines 45-63); and
- a technical support specialist providing specific technical assistance to a user's specific technical issue wherein the specialist's assistance is based on a plurality of information related to the issue (hardware, software, past service, etc.; Bakoglu et al., U.S. Patent No. 5,983,369: Abstract, Column 7, Lines 31-47, Figure 7; Toader, U.S. Patent No. 5,806,043: Column 4, Lines 28-39).

Riley et al. teach a system and method for managing workplace services provided by specialist to a plurality of users who are members of an organization by means for a computer system having memory and connected to a network comprising

- using personnel in a workplace resources office to obtain background information for the plurality of users and the organization
- system administrators creating and maintaining user profiles that include the users group, organization, access levels and privileges (Paragraph 0044);

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- workplace resources designer/developer collecting information about the users and organization of the system in order to configure/define the system prior the specialist being contacted by users including business functions performed, people of the organization, technology/service agreements, etc. (Paragraphs 0060-0062, 0068; Figures 3, 7);
- verifying (i.e. the information is pre-existing in the database and is being checked) and updating, in the database, customer/user information during direct and immediate provisioning of workplace services/support (Paragraphs 0107);
- service desk repository comprising customer contact, location and other details (Paragraph 0241; Figures 2, 4-6, Element 22);
- creating a database (knowledge management database, system, repository) in the computer memory (service desk repository; Paragraphs 0139, 0241; Figures 2, 4-6, Element 22; knowledge repository management; Paragraphs 0080, 0094, 0096, 0104, 0149-0152);
- connecting the workplace resource office to the database in order to store the background information for the plurality of users and the organization obtained by the workplace resource office in the database before a user contacts a specialist (service desk repository; Paragraphs 0139, 0241; Figures 2, 4-6, Element 22; knowledge repository management; Paragraphs 0096, 0104, 0149-0152; Figures 4, Element 150; Figures 9, 14).

Bateman et al. teach an online workplace services system and method for providing live and specific assistance to user's specific issues wherein the support is customized based on background information provided by the customer both prior to and during the live support session ("...the parties will be in full voice communication and will be viewing the same multimedia screen which prompted the customers questions. The agent can then assist or guide the caller to the solution or answer sought, or can take orders and/or provide technical support.", Column 6; 56-60; "Upon selection of the "Live Helps" option...", Column 6, Lines 62-63; "...provides requested "LIVE HELP" when a problem is encountered...", Column 2, Lines 27-28; "...the invention provides a customer in a voice conversation with an ACD agent...", Column 2, Lines 53-55; "...upon answering the call and viewing customer relevant data simultaneously (obtained by looking up the CLID in a customer database), the agent greets to caller and verbally mentions the associated product or subject matter area...", Column 9, Lines 20-26)." (Pages 3-5, June 10, 2005).

Therefore the combination of Riley et al., Bateman et al. and the common knowledge of those skilled in the art at the time of the invention teach a system and method for managing workplace services comprising using personnel in a workplace resources office to obtain background information for the plurality of users and the organization; creating a database in the computer memory; connecting the workplace resource office to the database in order to store the background information for the

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plurality of users and the organization obtained by the workplace resource office in the database before a user contacts a specialist wherein the specialist provides specific and live assistance to the user concerning the user's specific and unique workplace issues wherein the assistance is based on the combination of the user's background information, the specialist's expertise and any additional and/or correcting information provided by the user.

**10.3** The Applicant argues, see Appeal Brief, Paragraph 2, Page 3, Paragraph 3, Page 9, that the prior art of record, namely Riley et al. and Bateman et al. fail to teach or suggest the structure recited in Claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56. Specifically the Applicant argues that the prior art of record fails to teach or suggest allowing users to directly and immediately contact a specialist. The examiner respectfully disagrees.

In response to applicant's argument that the references fail to show certain features upon which applicant relies (i.e., allowing users to **directly and immediately** contact a specialist, bypassing call center) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Riley et al. teaches a system and method for managing workplace services wherein users are able to immediately and directly contact a specialist ("An incident is defined as an issue that can be resolved using business and product knowledge at the first level of support (by the **person answering the call** at the Service Desk).", emphasis added, Paragraph 0039; "If immediate incident resolution is possible, the it is confirmed with the user...and the service request is closed", Paragraph 0135; "Tier 1 personnel perform the first level of user support. This involves logging service requests, and attempting to resolve them **directly** over the phone with the user.", emphasis added, Paragraph 201; Paragraphs 0034, 0094, 0136, 0238; Figure 9)

**10.4** The Applicant argues, see Appeal Brief, 1B, Last Two Paragraphs, Page 10, that the prima facie obviousness is rebutted by the commercial success of the invention.

In response to Applicant's argument that the commercial success of the invention rebuts the prima facie obviousness the examiner respectfully disagrees.

The applicant's allegations of commercial success are not supported by the evidence currently of record; specifically the power point presentation provided merely alleges the commercial success of the instant application but does not provide any specific factual evidence as to the commercial success of the invention as claimed nor

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does the power point presentation demonstrate how the commercial success is due to the claimed features (commiserate in scope with the claims).

Additionally Applicant has failed to establish a nexus between the claimed invention and evidence of commercial success. *Demaco Corp. v. F. Von Langsdorff Licensing Ltd.*, 851 F.2d 1387, 7 USPQ2d 1222 (Fed. Cir. 1988) wherein an affidavit or declaration attributing commercial success to a product or process "constructed according to the disclosure and claims of [the] patent application" or other equivalent language does not establish a nexus between the claimed invention and the commercial success because there is no evidence that the product or process which has been sold corresponds to the claimed invention, or that whatever commercial success may have occurred is attributable to the product or process defined by the claims. *Ex parte Standish*, 10 USPQ2d 1454, 1458 (Bd. Pat. App. & Inter 1988. MPEP 716.03.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., intended field of use is financial services) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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**10.5** The Applicant argues, see Appeal Brief, Paragraph 2, Page12, namely Riley et al., Bateman et al. and/or Huboi et al. fail to teach or suggest generating a “templated” web site as recited in claims 15-16, 31-32 and 52. The examiner respectfully disagrees.

Huboi et al. teaches a system and method for managing workplace services comprising generating a templated (pattern used to create documents, pre-designed formats/layout, pre-existing forms) web site (template driven/based, dynamic web site, Active Server Pages/ASP enables dynamic and interactive web pages/site; Column 13, Lines 33-38, user-specific Web-based help; Column 6, Lines 9-45; Column 10, Lines 56-65; Column 11, Lines 12-31, 54-68; Column 12, Number 1; Column 13, Lines 33-38; Customized Help Setup Pages, Column 14, Lines 15-36).



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**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Scott L. Jarrett

Examiner - Art Unit 3623

May 18, 2007

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